

AF 3625 # 120

**PATENT** 

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| In re the PATENT application of                        | )                          |
|--|----------------------------|
| Kelly GRAVELLE   | ) Group Art Unit: 3625     |
| Application No.: 09/864,443                            | ) Examiner: Mark A. Fadok  |
| Filing Date: May 25, 2001                              | ) Atty. Dkt.: 114944-00209 |
| For: AVI for Expedited Mobile Ordering And Fulfillment | ) Date: August 24, 2004    |

Mail Stop Appeal Brief - Patents Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 RECEIVED
AUG 2 7 2004
GROUP 3600

## **APPEAL BRIEF TRANSMITTAL**

Sir:

Submitted herewith please find an original and two copies of an Appeal Brief. A check for the statutory fee of \$330.00 is attached. Authorization is also given to charge or credit any differences of overpayment to Deposit Account No. 23-2185. A duplicate copy of this paper is attached.

Respectfully submitted,

By:

Michael C. Greenbaum Reg. No. 28,419

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## FEE TRANSMITTAL for FY 2004

Patent fees are subject to annual revision.

| Complete if Known    |                |  |  |  |  |
|----------------------|----------------|--|--|--|--|
| Application Number   | 09/864,443     |  |  |  |  |
| Filing Date          | May 25, 2001   |  |  |  |  |
| First Named Inventor | Kelly Gravelle |  |  |  |  |
| Examiner Name        | Mark A. Fadok  |  |  |  |  |
| Group / Art Unit     | 3625           |  |  |  |  |
| Attornov Docket No.  | 114944-00209   |  |  |  |  |

|                       |             | METHOD                     | OF PA       | AYMENT (check                         | k one)                                 |  |         |                                    |        | FEE C                  | ALCULATION (continued)   |   |
|-----------------------|-------------|----------------------------|-------------|---------------------------------------|--|--|---------|------------------------------------|--------|------------------------|--|---|
| 1. 🛛                  |             | The Cor                    | mmissio     | oner is hereby a<br>or credit any ove | authorized to o                        |  | 3. ADD  | DITIONAL<br>Large<br>Entity<br>Fee | L FEES | Small<br>Entity<br>Fee |  | Fee   |
| Depo                  |             | 23-2                       | 14 Q F      | 2                                     |  | '  | Code    | (\$)                               | Code   |                        | Fee Description  | Paid  |
| Accou                 |             | 23-2                       | , Tou       | ,                                     |  |  | 105     | 130                                | 205    | 65                     | Surcharge - late filing fee or oath  |   |
| Depo                  | -           |                            |             |                                       |  |  | 127     | 50                                 | 227    | 25                     | Surcharge - late provisional filing fee or cover sheet.                          |   |
| Acco                  |             | BLAN                       | NK RC       | OME LLP                               |  |  | 139     | 130                                | 139    | 130                    | Non-English specification  |   |
| Name                  | ie          |                            |             |                                       |  |  | 147     | 2,520                              | 147    | 2,520                  | For filing a request for reexamination   |   |
| `                     | Under 37 C  | y Additional<br>CFR 1.16 a | and 1.17    | 7                                     |  |  | 112     | 920*                               | 112    | 920*                   | Requesting publication of SIR prior to<br>Examiner action                        |   |
|                       | See 37 CF   |                            |             | y status.                             |  | ·  | 113     | 1,840*                             | 113    | 1,840*                 | Requesting publication of SIR after<br>Examiner action                           |   |
| 2. 🛛                  | Paymen      | nt Enclosed                | d:          |                                       |  |  | 115     | 110                                | 215    | 55                     | Extension for reply within first month   |   |
| ⊠ (                   | Check       | ☐ Credit                   | it card     | ☐ Money<br>Order                      | ☐ Oth                                  | ner  | 116     | 420                                | 216    | 210                    | Extension for reply within second month  |   |
|                       |             |                            | ^^          | LCULATION                             |  | <del></del>  | 117     | 950                                | 217    | 475                    | Extension for reply within third month   |   |
| 1. B                  | BASIC FIL   |                            |             | LCULATION                             |  |  | 118     | 1,480                              | 218    | 740                    | Extension for reply within fourth month  |   |
| Large                 | Entity S    | Small Er                   | ntity       |                                       |  | ,  | 128     | 2,010                              | 228    | 1,005                  | Extension for reply within fifth month   |   |
| Fee                   |             |                            |             | Fee Description                       |  |  | 119     | 330                                | 219    | 165                    | Notice of Appeal   |   |
| Code                  | ,           | Code (\$                   |             |                                       | ــــــــــــــــــــــــــــــــــــــ | Fee Paid   | 120     | 330                                | 220    | 165                    | Filing a brief in support of an appeal   | 330   |
| 101                   |             |                            |             | Utility filing fee                    | H                                      |  | 121     | 280                                | 221    | 145                    | Request for oral hearing   |   |
| 106<br>107            |             |                            |             | Design filing fee<br>Plant filing fee | F                                      |  | 138     | 1,510                              | 138    | 1,510                  | Petition to institute a public use proceeding                                    |   |
| 108                   |             |                            |             | Reissue filing fee                    |  |  | 140     | 110                                | 240    | 55                     | Petition to revive – unavoidable   |   |
| 114                   | 160 2       | 214 80                     | ) F         | Provisional filling                   | ے fee                                  |  | 141     | 1,330                              | 241    | 665                    | Petition to revive – unintentional   |   |
|                       |             | SHE                        | TOTAL       | 143                                   | _                                      | · · · · · · · · · · · · · · · · · · ·  | 142     | 1,330                              | 242    | 665                    | Utility issue fee (or reissue)   |   |
|                       |             | 306                        | TOTAL       | (1)                                   |  | (\$)   | 143     | 480                                | 243    | 240                    | Design issue fee   |   |
| 2. EXTR               | RA CLAIM    | A FEES                     |             |                                       |  |  | 144     | 640                                | 244    | 320                    | Plant issue fee  |   |
|                       |             |                            |             |                                       | Fee from                               | Fee  | 122     | 130                                | 122    | 130                    | Petitions to the Commissioner  |   |
| otal Claim            | ns 31       | -31**                      |             | Claims b                              | selow<br>\$18 =                        | Paid<br>= \$0  | 123     | 50                                 | 123    | 50                     | Processing fee for provisional applications                                      |   |
| ndependen<br>Ilaims   | nt 2        | 2 -3**                     | = [         | 0 X                                   | \$86 =                                 | = \$0  | 126     | 180                                | 126    | 180                    | Submission of Information Disclosure<br>Stmt                                     |   |
| tultiple<br>Jependent |             |                            | _           |                                       |  | \$0  | 581     | 40                                 | 581    | 40                     | Recording each patent assignment<br>per property (times number of<br>properties) | _   |
| Large                 | Entity      |                            | Entity      |                                       |  |  | 146     | 770                                | 246    | 385                    | Filing a submission after final rejection  |   |
| Fee<br>Code           | Fee<br>(\$) | Fee<br>Code                | Fee<br>(\$) | Fee Descript                          | tion                                   |  | 149     | 770                                | 249    | 385                    | (37 CFR § 1.129(a)) For each additional invention to be                          | <u> </u>  |
| 103                   | 18          | 203                        | 9           | Claims in exc                         | ess of 20                              |  | '""     | ,,,                                | 270    |                        | examined (37 CFR § 1.129(b))   | <u> </u>  |
| 102                   | 86          | 202                        | 42          | Independent of                        | claims in exc                          | ess of 3   | 179     | 770                                | 279    | 385                    | Request for Continued Examination (RCE)  |   |
| 104                   | 290         | 204                        | 140         | Multiple depe                         |  | The second secon |         |                                    |        |                        |  | $ldsymbol{le}}}}}}$ |
| 109                   | 86          | 209                        | 42          | ** Reissue inc<br>original paten      | nt                                     |  | 169     | 900                                | 169    | 900                    | Request for expedited examination of a design application                        |   |
| 110                   | 18          | 210                        | 9           | ** Reissue cla<br>over original p     |  | ss of 20 and   |         |                                    |        |                        | !  |   |
|                       |             |                            | SU          | JBTOTAL (2)                           |  | (\$)0.00   | Other f | fee (specif                        | (y)    |                        |  |   |

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\*\*or number previously paid, if greater; For Reissues, see above

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| SUBMITTED BY      |                      |                                   |        | Co        | Complete (if applicable) |  |  |
|-------------------|----------------------|-----------------------------------|--------|-----------|--------------------------|--|--|
| Name (Print/Type) | Michael C. Greenbaum | Registration No. (Attorney/Agent) | 28,419 | Telephone | (202) 944-3000           |  |  |
| Signature         |                      |                                   | 2_     | Date      | August 24, 2004          |  |  |